

## **VIRGINIA ROANOKE RIVER BASIN ADVISORY COMMITTEE MEETING MINUTES**

**April 23, 2003**

### **Roanoke – Roanoke County Spring Hollow Water Treatment Plant**

**Attendance:** All VRRBAC members except Senator Hawkins, Del. Byron, Del. Hurt, Del. Wright, Robert Conner, and Watt Foster; Ann Austin represented Representative Goode; DEQ: G. Anderson and Steve Dietrich; DCR: Tim Ott

#### **Call to Order:**

Chairman Feild called the meeting to order.

#### **Welcome/Recognition of Visitors:**

Visitors and guests included Eldon James, Rappahannock River Basin Commission, Steve Dietrich, DEQ WCRO Regional Director, Shannon Varner, Troutman and Sanders, and Maureen Castern of the Upper Roanoke River Round-table Board of Directors.

#### **March 20, 2003 meeting minutes:**

A motion was made to approve the minutes as written. The motion was seconded and passed.

#### **Eldon James; Presentation concerning Rappahannock River Basin Commission (RRBC):**

- Information concerning RRBC and its work can be located at the following website;  
<http://www.rapriverbasin.state.va.us/>
- Mr. James discussed the group's history. He was working in 1995-96 as a contracted legislator liaison for the RADCO planning district. RADCO was going to legislators and localities to solicit ideas about what was important for the upcoming General assembly session. Senator Edward Houck expressed an interest in protecting the entire basin. At that time the Spotsylvania/Stafford/Fredricksburg area was one of the fastest growing areas in Virginia and there was evidence of detrimental impact in terms of water quality. Therefore the early focus of the effort was water quality related. The localities were skeptical of the idea but went along with studying the situation to determine an appropriate mechanism and to decide if such a group was needed. Therefore, the Rappahannock River Study Commission was setup. There were a lot of competing interests in the basin with the headwater area being agriculture, the large urban area in the middle, and the fisheries towards the mouth. Another example of divergent mindsets would be the development and conservation groups. Thus it took about two years of meetings to develop the structure of the Commission. The resounding message coming forth was there needed to be improved communication between local entities and state and local agencies and also improved opportunities for coordinating efforts. It was also clear that the group was to not have regulatory powers. Rather it was to promote stewardship, improve communication, and foster a better coordination of efforts at all levels of citizen and state interaction on issues involving water quality, water quantity, and other resources. At that time the State was developing its Tributary Strategy. The Study Commission recognized the opportunity for the governing bodies to help develop that strategy. Time was reserved at each meeting for the technical team putting together that strategy to provide a report and to listen to the problems that required solutions. The Commission gave a great deal of input to the development of the Tributary Strategy.
- The Study Commission was made up of 3 Senators, 6 Delegates, and 16 local elected officials from participating localities. Later a representative of the Soil and Water Conservation Districts was appointed. Conducted first conference during the study period to discuss the nature of the basin. This really gave the various competing interests a good view of life for their neighbors throughout the basin. In addition emerging issues related to water quality issues were discussed. Coming out of the summit,

**Eldon James; Presentation concerning Rappahannock River Basin Commission (RRBC): (continued)**

- the non-elected participants wanted the Commission to be broader in scope in terms of members and not just elected officials. Elected officials said no to this idea but recognized the limitation of setting the group up this way. They believed that the elected officials who generally have better information to examine when making such determinations should make policy decisions. Non-government parties and riparian landowners do not have the same level of access but are important from the standpoint of providing opinion and information. This was recognized in one of the powers drafted by Shannon Varner for the RRBC. The Commission now meets 4 times a year. 3 meetings are moved up and down the basin and a 4<sup>th</sup> is held each December in Richmond prior to the General Assembly session in January.
- Stressed the importance that developing friendships played in members and non-members understanding the problems in each area of the basin. For example upstream members could understand the problem of crab pots being covered in silt while the watermen representatives could understand the problems associated with fencing cattle from streams. Such friendships led to the development of trust, which is critical to moving the process forward. Since members come and go periodically this friendship development process must be ongoing. Without these human interactions the parties would have never really known one another or understood the concepts of problems impacting one another.
- There are currently 25 members. It is required that 2/3rds of the localities sign on. Only 2 local governments decided to not participate. One apparently did not see a benefit while the other believed it was a duplication of SWCD efforts. Members must pay their share of costs. Each locality passed resolutions and appointed members and alternates. Sometimes both attend but the locality gets only one vote. The 7 water conservation Districts formed a council and selected one representative and an alternate. Members of the General Assembly are eligible to serve but some choose not to do so. To date the group has never missed a quorum. No actions move forward without a consensus that it is the correct thing to do.
- The Water Allocation Committee has been very successful. Recognized a problem with the way water supply planning was conducted. It seemed that often the courts determined the outcome. Initiated a project to develop a better process and enlisted State and Federal agencies, Virginia Tech Water Research Institute and USACE help. The USACE promoted the use of the Shared Vision Planning Process model to use so that the permitting process did not end up in court. Every utility group and many "Friends of" and other conservation groups participated. Produced many documents on water supply guidelines over the last 2-½ year, which are located on the web-site listed above. Also developed the paper is entitled "Guiding Principles of Water Quality Planning in the Rappahannock River Basin". The group is now presenting the work to each locality. More revisions may be necessary but once it is adopted by the localities the Commission will move it forward.
- Public Education efforts have been frustrating. In all 5 summits have been conducted. Summit # 3 was the most successful undertaking and dealt with getting the public involved in discussing the voluntary Tributary Strategy for the Basin. The summit led to the formation of 4 workgroups, namely Ag/Forestry, Urban Suburban, Sustainable Development and Public Education. 95 % of the basin problems are non-point source related. Sustainable Development was eventually absorbed into the Ag/Forestry and Urban Suburban groups. This conference produced a set of recommendations, prioritized issues, and proposed some solutions. The group also obtained a grant and developed the Commission's logo and motto that is displayed at the web-site. A newsletter and other techniques to talk to the public have been developed. However all these tools require money.
- The original funding for the Commission was \$60000. State and Locals were required to share equally the expense. State provided \$30000, while the local governments gave \$14000 cash (\$1000 each for

**Eldon James; Presentation concerning Rappahannock River Basin Commission (RRBC): (continued)**

- the 14 participating) and \$16000 in kind services. In kind services include office space, phone and Internet service, clerical service and staff assistance. Most of the in kind assets come from the planning districts and the soil and water conservation districts.
- The Commission has never obtained the desired level of public involvement. However valuable in-roads have been made. An environment conducive to public input has been created. One thing the Commission is saying to locals and the state government is that in regards to Water Supply Planning in the Rappahannock River Basin there will be a balance given to in-stream and off-stream interests. It is believed that if that is accomplished than everything else will work. For example any reservoir built must be off-stream, rather than damming up the main stem. In fact the only dam on the Rappahannock, Embrey Dam, is about to be removed. RRBC has been involved in this process and has encouraged an agreement that the silt built up behind the dam will be removed so that it does not wash downstream.
- The level of input from local governments to the Tributary Strategy would likely not have occurred but for the effort of the Study Commission.
- The Commission has mapped out a multiyear work plan. This plan gives direction to the Commission and must be revised on a regular basis. This step is necessary since the world is always evolving. For example the funding has changed since the Commission inception and the water quality focus has shifted to water supply planning. Another change will be required due to new EPA water quality standard initiative. The tributary strategy must then be reworked to address any standard change.
- A question was asked regarding the state of the oyster industry. The answer was bad. The harvest is a small percentage of the harvest at the turn of the 20<sup>th</sup> century. At that time the oysters could filter the water in the bay in about 4 days. Therefore it is likely that before the bay is restored the oyster industry must be revitalized. Native oysters do not survive long due to the disease, The best hope appears with a Chinese oyster which tastes much like the native oyster.
- A question was asked whether a stakeholder advisory group was setup. The answer was that no group with that name was formed. However, the Public Education group has held the summit meetings. Other subcommittees also involve stakeholders. The urban/suburban subcommittee has been renamed with the Development Impact Group, while the Ag/Forestry group is now called Rural Conservation. These groups are staffed with SWCD people and interact with the SWCD Council regularly. The leadership of RRBC and the Council meet periodically. An effort is made to keep citizens/stakeholders active in the subcommittees. This is an area that needs constant attention.
- A question was asked concerning the impact of pollution on the oyster industry. Most definitely silt and sedimentation impacts the industry, although it is more complicated than that alone. The fast paced development of the urban area around Fredricksburg struggles with controlling sediment. The Development Impact Group is promoting the use of Low Impact Development (LID) techniques to help correct the sediment problem. RRBC is pushing the localities to adopt ordinances to allow such development work. The techniques have been proven to work and it has been shown that some developers have actually saved development costs by using them. These techniques do a good job of reducing the pollutant load to the streams. However, detention ponds are still needed for larger storm events.
- It was asked if he had any advice concerning the Bi-state Commission talks. RRBC does not have experience in this area. However, people are people everywhere and those human interactions that form relationships and develop understanding and trust will make things work.

**Eldon James: Presentation concerning Rappahannock River Basin Commission (RRBC): (continued)**

- Are there any other pitfalls that should be avoided? Do not try to move too quickly. It takes time to reach everyone and to work with people. The Shared Vision model works well but really requires time. However, for water supply projects, the alternative is going to court, which also takes a great deal of time in addition to money.
- Have any issues involving Inter-basin transfers been addressed? There are many such transfers in Virginia. No one wants northern Virginia to come and take the basin water like the VA Beach situation. However, unless the area knows what it has got and how much it needs than such scenarios may be very difficult to prevent. RRBC has not taken an official position because such a circumstance exists in the basin to the benefit of the basin. So RRBC is attempting to understand what the area has available and requires. A model developed as part of the water supply planning effort has been used to play out water policy “what-if games” into the next 50 years. Experts and others enjoy picking apart the model to try and obtain realistic answers that can be used to identify the area needs. If that can be done, we hopefully will be in a position to work cooperatively with future proposals. However, we need to make sure whatever decisions are made are to the benefit of the people of the basin, that is those who depend upon the resource for their livelihood and well being. Again, off-stream and in-stream uses must be in balance.

**Maureen Castern; Presentation on the Upper Roanoke River Round Table (URRRT):**

Maureen introduced the members to this active round table in the Upper Roanoke Basin. According to Maureen the Upper Roanoke River Basin ends at the Big Otter River. The Committee authorized providing the VRRBAC contact list to Maureen for notifying the group of URRRT activities. The highlights of her presentation are as follows.

- URRRT got its start at the Roanoke River Watershed Conferences held at Explore Park in 1999-2000. DCR and the Canaan Valley Institute sponsored these conferences. Volunteers were recruited during this time period and a Steering Committee was formed in the winter of 2001. The first membership meeting was held in June 2001.
- The Mission Statement is “To serve as an advisory group in the upper basin that will identify and address issues of water quality and quantity and will make recommendations about appropriate management solutions to those whose decisions impact the upper basin of the Roanoke River.
- Goals are to identify local, regional and basin-wide concerns and problems, seek the responsible use, orderly economic development and conservation of our land and water resources, and develop management solutions.
- The organization includes a Board of Directors with a good cross-section of stakeholders including City and County of Roanoke, the Western VA Land Trust, consulting engineering firms, environmentalists, and a developer from the Smith Mountain Lake area.
- Membership requirements are very inclusive with no restrictions. No dues are required, no qualifications are required, and members are allowed to vote at the second meeting attended.
- URRRT operates under bylaws and their fiscal agent is the Roanoke River Basin Association. Committees develop specific actions. An Advisory Committee for funding and partnerships is now in place.
- There are nearly 100 members and the Advisory Committee will meet for the first time on 5/7/2003 at VWCC.
- First grant received from Canaan Valley Institute; and used to hire a Community Watershed Organizer.

**Maureen Castern; Presentation on the Upper Roanoke River Round Table (URRT): (continued)**

- Committees in place are Agriculture/Forestry, Community Engagement, Financial, River and Lake Management, Strategic Planning, and Water Quality.
- Future plans are to develop a strategic plan, increase membership throughout area, give consideration to funding a RiverKeeper (trademarked name associated with the Water Alliance) and to begin work programs through the committees.

**Proposed 30-MGD Withdrawal from the Dan River, near Milton:**

- Roxboro, Yanceyville, and Persons County are seeking a permit in June, 2003, from the NC Environmental Management Commission for a 30-MGD withdrawal from the Dan River near Milton. There was plenty of discussion on this issue.
- Chairman Field wants the pertinent sub-committees to start working to gather information to help the group establish a position on this issue.
- John Primiano had talked to Barry Dunkley, Director of Water and Wastewater Treatment for Danville, about this withdrawal. Danville is very concerned about the proposal due to 1.) An expected loss of assimilative capacity in the stream below Danville resulting in a deterioration of water quality, 2.) There would be a reduced availability of water for all water users during a draught, 3.) A lack of documentation supporting the need for such a large withdrawal, and 4.) Danville City opposes the inter-basin transfer of water. It is believed that this is the type of information and feedback necessary for VRRBAC to begin developing a position on the issue. Questions such as, "What % will be returned to the basin?" Why is 30 MGD proposed?", "Is off-stream storage being considered?", etc. must be answered. This will likely be one of the first issues to resolve with the NC counterparts. VRRBAC needs to gather information so that a position can be developed and hopefully a win-win solution can be found with the NC side.
- It was suggested that a Preliminary Engineering Report (PER) might provide some information for the group.
- The Kerr community doubts such a large volume of water would be available during a drought. 30-MGD from the Dan is anticipated to have greater impact than the 60 MGD from the Gaston pipeline. The impact would be even greater if there was an inter-basin transfer. Increased treatment costs up and down the basin might ensue. Much of the area where the water would be used appears reside in the Roanoke Basin. However, the southern parts of the region would flow in a different direction. Apparently there has also been discussion of selling the water to other locations.
- A big question is "Why is 30-MGD necessary now that Dominion Resources dropped their project in the area? A related concern was the statement from a news article that the water was needed for their children and their children's children.
- It is the business of the committee to help protect and control the use of water resources in the Roanoke Basin. It is believed that the committee needs to understand associated laws and regulations, the permit process, and the water availability and water needs of the basin. It was stated that if VRRBAC was going to start addressing long term plans then it must start determining how to study the issue. The Environmental Law Center near Charlottesville, the AG's office in Richmond, USACE, and the VT Water Research Center were identified as possible resources in gaining this knowledge. It is important that the Virginia Representatives to the Bi-state Commission be well versed in this issue.
- Senator Frank Ruff made the motion that VRRBAC is opposed to any new water withdrawal until such time that the real and potential needs for the foreseeable future are determined. Furthermore when it is

**Proposed 30-MGD Withdrawal from the Dan River, near Milton: (continued)**

- possible to do so, VRRBAC intends to ask the corresponding committee in North Carolina to go on record supporting this same motion. The motion passed unanimously.
- Charles Poindexter indicated that there were a couple of seats open on FERC. Suggested that VRRBAC get someone into one of those spots. Apparently the requirement to sit on FERC are the same as other federal appointments.
- It was mentioned that the TAC, as required by Senate Bill 1221, was to hold its initial meeting concerning Water Supply Planning on 4/28/03.

**Sub-committee Reports:**

- Lake Interests: Robert Conner, who could not attend, provided a report to John Field. He is planning a series of meetings up and down the basin. Meetings are currently proposed at Gaston, Kerr, and Smith Mountain Lakes. The purpose of the meetings is to solicit input from citizens in these areas and to develop positions and identify items of interest at these impoundments. He further intends to work with other VRRBAC committee members to set up these meetings and to help establish grass root input. Chairman Field encouraged the other sub committee chairman to adopt a similar approach so that other individuals are cultivated who have expertise that can expand this committee's base of knowledge. Such efforts could truly establish a broad network of individuals to provide pertinent input to VRRBAC. Again it is expected that after the Danville meeting this group will resort to bi-monthly or quarterly meetings and that much of the work will be conducted at the sub-committee level. The sub-committees would meet as required at the discretion of the appropriate chairman.
- River Interests: Read Charlton reported that a "bird watch trail" was to be developed in the piedmont area. David Whitehurst, DGIF, and P.K. Pettus are involved with this project. This trail will be modeled after one at Padre Island in Texas.
- A question was asked if there were any lists available for the sub-committee's to use in identifying participants. Lists of permit holders are likely available from permitting authorities. There are also lists available of local officials and utility directors. Mike McEvoy was to run down a list of the basin Utility Directors.

**Other Business:**

- Greg Anderson reported on behalf of Richard Seekins that the NC council of governments, which are the equivalent of VA PDC's, either have made or are about to make their nominations. The State House has selected their members and the Senate is about to. The two congressional members have been briefed on their membership. It is hoped the process is soon completed and a joint session can be planned.
- Mike McEvoy announced the WEF conference would be held at Hotel Roanoke and the Environment Virginia Conference at VMI in Lexington the following week.
- The role of the SWCD's with this committee was discussed. The members agreed that these personnel should be serving on the subcommittees so that their expertise could be utilized. It was hoped that the districts would also attend the VRRBAC meetings.
- Evelyn Janney provided flow records from a couple Roanoke River gages. These records are very useful and can be accessed at the following web-site:

[http://waterdata.usgs.gov/va/nwis/uv?station\\_nm=Roanoke+River](http://waterdata.usgs.gov/va/nwis/uv?station_nm=Roanoke+River)

**Future Meetings:**

- The next meeting will be held on Tuesday May 13<sup>th</sup> at Watt Foster's river cabin near Brookneal. Bud LaRoche is to speak about The Staunton/Roanoke River Striped Bass Fishery. A tour of the Vic Thomas Striped Bass Hatchery operations will follow.
- The following meeting will be held in Danville. John Primiano is making arrangements for that meeting.

**Adjournment/Spring Hollow Facilities Tour:** A motion was made, seconded and passed to adjourn the meeting. A tour was then taken of the Spring Hollow off-stream reservoir, the river pumping facilities, and the water treatment facility.